

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 98-644-T - ORDER NO. 1999-747
OCTOBER 25, 1999

IN RE: Application of Ray's Movers, Inc., 6630) ORDER *1/WR*
Hwy. 29 N., Pelzer, SC 29669, for a Class E) GRANTING
Certificate of Public Convenience and) CERTIFICATE
Necessity.)

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Application of Ray's Movers, Inc., 6630 Highway 29 North, Pelzer, South Carolina 29229 (Ray's or the Applicant) for a Class E Certificate of Public Convenience and Necessity to transport commodities as follows:

Household Goods, As Defined in R. 103-210(1):

Between points and places in Anderson, Greenwood, Abbeville, Oconee, and Pickens Counties and between those counties and points and places in South Carolina.

Pursuant to the instructions of the Commission's Executive Director, the Applicant published a Notice of Filing one time in newspapers of general circulation. Ray's furnished affidavits showing proof of publication of the Notice. The following companies intervened: Austin Moving & Storage, Inc., Affordable Moving Services, Carey Moving & Storage, Inc., Carey Moving & Storage of Greenville, Inc, and Arrow Moving & Storage.

Accordingly, a hearing was held in the offices of the Commission on October 14, 1999 at 10:30 AM, with the Honorable Philip T. Bradley, Chairman, presiding. Ray's was represented by John J. Pringle, Jr., Esquire. Ray's presented the testimony of Willie Lollis and Hugh Durham. Appearing on behalf of Austin Moving and Storage, Inc. was John F. Austin, Jr. Appearing on behalf of Carey Moving and Storage, Inc., Arrow Moving and Storage, and Carey Moving and Storage of Greenville, Inc. was Pat Carey. No one appeared on behalf of Affordable Moving Services. The Commission Staff was represented by F. David Butler, General Counsel. The Commission Staff presented no witnesses.

Ray's presented the testimony of Willie Lollis. Lollis noted that he was a native South Carolinian who has been a household goods mover in Hammond, Indiana for some 30 years. He now has a business address in Pelzer, South Carolina, which consists of two buildings on 3 ½ acres of land. Although he owns only one 1995 Freightliner straight truck, he eventually wants to obtain a total of 3-4 trucks, and hire 5-6 employees. Lollis testified that, if granted the authority, he will join the South Carolina Tariff Bureau or file an individual tariff. Lollis notes that he is not interested in conducting business in the Greenville-Spartanburg area.

Hugh Durham, Caldwell Banker Broker-In-Charge in Anderson, South Carolina, also testified for the Applicant. Durham noted that his real estate business had offices in Anderson and Oconee Counties. Durham stated that he gets weekly calls from clients regarding the need for movers. According to Durham, the existing movers in his area are few, and cannot always move his clients when his clients want to be moved. Durham

noted that the moves most often needed are moves from Anderson to Greenville, Pickens, and Oconee Counties, and from Oconee County to Anderson County, although he gets calls for moves to other areas as well, including to Greenwood County. Greenwood and Abbeville Counties are also growing counties, according to Durham. Durham noted that his area was a “boom” area, and that more movers were definitely needed. Durham stated that he had had to “hire people off the street” to move his clients.

Attorney Pringle also presented a study from the South Carolina Department of Commerce which showed, among other things, new industrial investment and development in various areas of South Carolina. According to that document, industrial investments are taking place in almost every county of the State. This indicates growth in general throughout the State of South Carolina.

Both John Austin and Pat Carey testified for the Intervenors. Austin testified that he had 50 employees and had a full service moving business. Austin noted, among other things, that there could be “timing problems” with any service business, in that a customer might not always get what he wants exactly when he wants it. Pat Carey testified, among other things, that it is rare when his companies cannot handle all of the moving business offered, and that he had a branch office in Anderson at one time, but he had to close it for lack of business. In general, both Austin and Carey opposed the Application, and stated a belief that the market for movers in South Carolina did not require the addition of a mover.

S. C. Code Ann. Section 58-23-590 (Supp. 1998) states that an Applicant must prove that it is fit, willing, and able to properly perform the proposed service, and that the

proposed service, to the extent to be authorized by the certificate, is required by the present public convenience and necessity. Further, pursuant to our Regulation 103-133, the public convenience and necessity portion must be shown through the use of shipper witnesses.

We believe, considering these criteria, that the Applicant has shown the ability to serve the scope of authority which he has requested. We believe that the Applicant has extensive experience in the moving business. Although he presently has access to only one truck, we believe that he can arrange for additional equipment if needed to serve the public. Ray's appears to have an excellent facility for storage and other terminal activities. The Applicant is fit, willing, and able to properly perform the proposed service.

With regard to the public convenience and necessity, the Applicant's shipper witness very strongly showed the need for the proposed service in Anderson, Oconee, and Pickens Counties. However, the shipper witness also showed growth in Greenwood and Abbeville Counties. Further, Mr. Durham testified that he got calls in general about moving his clients to a number of various areas. We also note that the report of the South Carolina Department of Commerce showed industrial growth in almost every county of the State of South Carolina. Between this report, and the testimony of the shipper witness, we believe that the Applicant has satisfied the public convenience and necessity criteria of the statute for the area of authority requested.

IT IS THEREFORE ORDERED:

1. That the Applicant is granted a Certificate of Public Convenience and Necessity to move household goods between points and places in Anderson, Greenwood,

Abbeville, Oconee, and Pickens Counties and between those counties and points and places in South Carolina.

2. That the Applicant file the proper license fees and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by R.103-100 through R.103-241 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, and R.38-400 through 38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 23A (1976), as amended within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.

3. That upon compliance with S.C. Code Ann. Section 58-23-10, et seq. (1976), as amended, and the applicable Regulations for Motor Carriers, S. C. Code Ann. Vol. 26 (1976), as amended, a certificate shall be issued to the Applicant authorizing the motor carrier services granted herein.

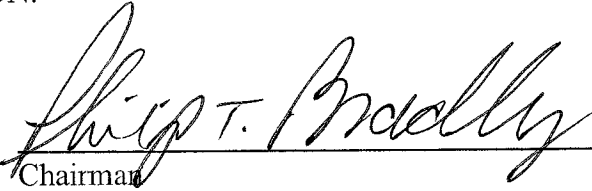
4. That prior to compliance with such requirements and receipt of a certificate, the motor carrier services authorized herein may not be provided.

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5. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)